

COMMISSIONER PROCEEDINGS

October 30, 2017

- Call to Order: The regular meeting of the Lincoln County Board of Commissioners was held in the commission meeting room of the courthouse Monday, October 30, 2017. Chairman Al Joe Wallace called the meeting to order at 8:04 a.m. with Vice-Chairman Terry Finch and Member Alexis Pflugh present. County Clerk Dawn Harlow was in attendance.
- Visitors: Others present for portions of the meeting: Howard Wehrman, Jessica Clay, Debora Zachgo, Robert Howe, John Grace, Robert Crangle, Jennifer O’Hare and Cindy Nelson.
- Minutes Approved: Alexis Pflugh moved to approve and adopt the minutes of October 23, 2017 regular meeting as corrected, seconded by Terry Finch. Motion carried.
- Letter of Support: The board approved a letter of support for the Lincoln County Historical Society’s grant application to the Kansas State Historical Society.
- Correspondence: The board reviewed the following correspondence: Campbell & Johnson Engineers, P.A., letters to each company bidding on the nursing home renovations; Access Control Systems, statement for Lincoln Park Manor; and KCAMP, three year Rate Stabilization Program Agreement.
- Motion: Alexis Pflugh moved to solicit bids for county insurance policies so we at least have a comparison to KCAMP. Motion died for a lack of a second.
- Agreement Approved: Terry Finch moved to sign the Rate Stabilization Program Agreement with KCAMP, seconded by Al Joe Wallace. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.
- Rec Board Appointment: Clerk Harlow related that Elizabeth Sheldon will notify the board by November 15 regarding whether she would like to continue to serve as the county’s representative to the Lincoln Recreation Department.
- Agenda Request: Commissioner Wallace requested that the Human Resource Officer Zachgo be scheduled at the next regular meeting to review job descriptions and the current evaluation form.
- Restitution Funds: Commissioner Pflugh inquired about restitution funds.
- Recreation Department: Lincoln Recreation Department Director Jessica Clay with Recreation Department board member Debora Zachgo relayed that the City of Lincoln will move the Recreation Department out of the City General Fund beginning January 1, 2018. Clay requested that the board consider returning to dispersing funds to the recreation department two times per year, rather than the currently quarterly reimbursement basis. Clay answered questions regarding operations and expenses for the department. Clay related that they are considering the CivicRec program, which is a part of the CivicPlus program; Emergency Management is using the CivicReady program which is also part of the CivicPlus program. Discussion ensued if the two could combine forces and utilize the CivicPlus program and split the costs. Clay will discuss it further with Emergency Manager Dohe. Terry Finch moved to return to the twice-yearly payment to the Rec Commission, seconded by Alexis Pflugh. Motion carried.

Highway Department: Road and Bridge Supervisor Robert Howe reported on the following Highway Department activities: working on FAS 470 on 20<sup>th</sup> Rd; culvert replacements; spot graveling for the Westfall grader routes; backhoe is broken down, currently determining the cost for repairs; a verbal approval for the signage project was received, so the county can begin lowering the signs near bridges when time allows. Discussion ensued on the following subjects: signage project and missed signs; graveling project on 220<sup>th</sup> Rd and Oak Dr; graveling on 30<sup>th</sup> Rd; gravel pits being utilized; crushed concrete; motor grader operator responsibilities; and citizens and/or board members contacting the office in regards to complaints and/or requests so that supervisors can log the information and view the area.

Payroll Approved: The board reviewed the September gross payroll report. Alexis Pflugh moved to approve payroll, seconded by Terry Finch. Motion carried. Note: gross payroll in the amount of \$180,088.93.

Accounts Payable Approved: The board reviewed September accounts payable report. Alexis Pflugh moved to omit the contract payment to O’Hare Law LLC, from accounts payable, to avoid knowingly distributing money under potential violation of law. Motion died for a lack of a second. Al Joe Wallace moved to pay accounts payable for \$335,754.76, seconded by Terry Finch. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.

Motion: Commissioner Pflugh moved to allow commissioners access to read only documents and supply a computer for research to reduce the clerk’s office secretarial duties to the commission. Motion died for a lack of a second.

Nursing Home: John Grace, Lincoln Park Manor, with Attorney Robert Crangle requested an executive session to discuss financial elements of his business. Al Joe Wallace moved to recess into executive session with John Grace, Bob Crangle, County Attorney Jennifer O’Hare and County Clerk Dawn Harlow present, justification: to discuss related financial affairs of corporations, partnerships, trusts and individual proprietorships for fifteen minutes, statement: financial conditions of the nursing facility, seconded by Terry Finch. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay. Time entering 10:18 a.m. Time reconvening: 10:33 a.m.

Reconvene: The chairman reconvened the meeting to regular session at 10:33 a.m.

Nursing Home Back Rent Proposal: Chairman Wallace related that John Grace has proposed a \$400 per month increase in rent through the end of the current contract, to cover the facilities previous non-payment of rent.

Conflict of Interest: Commissioner Pflugh inquired about whether the other members had taken time to review the state statutes. Chairman Wallace related the minutes are clear that the agreement is between the County Commissioners and O’Hare Law and that Jennifer O’Hare, the County Attorney, was not part of the commission and that the Statutes indicates that person must be on both sides of the agreement, and therefore was not part of the County’s side of the agreement. Chairman Wallace also discussed Nielander vs Lincoln County, which ruled that all elected officials are equals and that the Board of Commissioners are responsible for approving the budget, and that each elected officials have discretion over how their budget is spent.

Commissioner Pflugh stated that the County Attorney has control over the spending of her budget, and the board cannot control the expenditures so therefore the County Attorney entered into an agreement with herself as owner of O'Hare Law, LLC. Alexis Pflugh moved to request an Attorney General's opinion on Lincoln County Attorney's budget compliance with K.S.A. 75-4301 and K.S.A. 75-4304 regarding contract with O'Hare Law LLC. Motion died for a lack of a second.

Adjourn:

With no further business to come before the board the chairman adjourned the meeting at 10:47 a.m. until 10:00 a.m. Monday, November 6, 2017 in the commission meeting room of the courthouse.